

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ JAN 10 2011 ★

BROOKLYN OFFICE

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ROHAN MAHABEER,

MEMORANDUM, ORDER
AND JUDGMENT

Petitioner,

-against-

10 CV 3446

WARDEN DUKE TERRELL,

Respondent.
----- X

Petitioner was sentenced to nine months imprisonment. See Statement of Reasons Pursuant to 18 U.S.C. §3553(c)(2), dated March 5, 2010, in 08-CR-420.

He seeks a sentencing reduction pursuant to 28 U.S.C. §2241 because of harsh incarceration conditions. See petition filed July 29, 2010. The government opposes. See memorandum dated November 19, 2010. A non-evidentiary hearing was afforded on January 10, 2011.

The sentence was constitutional and without defect.

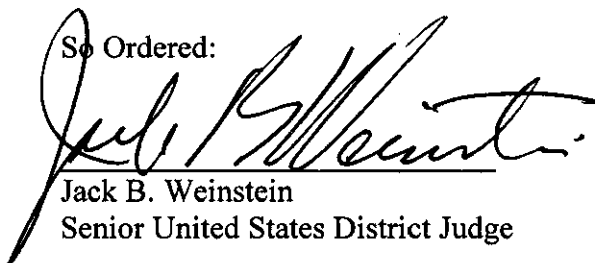
Conditions at the prison must first be challenged through an administrative hearing, which has not been sought.

No changes in law or otherwise since sentence warrants a reduction.

The conditions are not sufficiently harsh to warrant a judicial remedy.

The petition is dismissed.

So Ordered:


Jack B. Weinstein
Senior United States District Judge

January 10, 2011
Brooklyn, New York

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